

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

BAODING TIANWEI GROUP CO., LTD, a  
foreign entity,

No. 3:07-cv-00862-HU

OPINION AND  
ORDER

Plaintiff,

v.

PACIFICORP, an Oregon corporation,  
Defendant.

---

PACIFICORP, an Oregon corporation,  
Third-Party Plaintiff,

v.

WINBO INTERNATIONAL CORP., a  
California corporation; SUPER  
POWER EQUIPMENT CO., a California  
corporation,

Third-Party Defendants.

---

SUPER POWER EQUIPMENT CO., a  
California Corporation,

Counter-Claimant

v.

BAODING TIANWEI GROUP CO., LTD, a  
foreign entity,

Counter-Defendant.

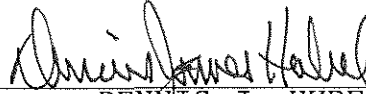
1 HUBEL, Magistrate Judge:

2 Plaintiff Baoding Tianwei Group Co., Inc. ("Baoding")  
3 originally brought this action against Defendant Pacificorp  
4 ("Pacificorp") on June 11, 2007, asserting claims for breach of  
5 contract based on Pacificorp's alleged failure to pay in full for  
6 two electrical transformers purchased from Baoding. In October  
7 2007, the Court granted Pacificorp's motion to join Winbo  
8 International Corporation ("Winbo") and Superpower Equipment  
9 Company ("Superpower") as third-party defendants.

10 On September 10, 2008, the Court issued an order (1) granting  
11 Pacificorp's motion for summary judgment because it had met its  
12 obligations to Baoding; and (2) at Winbo's request, staying this  
13 case and compelling arbitration of the dispute between Winbo and  
14 Baoding before the Chinese International Economic and Trade  
15 Arbitration Committee ("CIETAC"). Since then, Baoding has made  
16 several attempts to arbitrate its claims against Winbo and  
17 Superpower, with varying degrees of cooperation of Winbo and  
18 Superpower. The CIETAC has not arbitrated the claims. As a  
19 result, Baoding filed a motion to lift the stay and allow  
20 counterclaims on April 5, 2013—which is now before the Court. No  
21 opposition was filed by Winbo or Superpower, whose counsel recently  
22 withdrew their representation. Prior to withdrawal, counsel for  
23 Winbo and Superpower represented to the Court that his contact for  
24 those two parties communicated to counsel that neither corporation  
25 would retain counsel to represent it and proceed with this case,  
26 nor would either corporation respond in any way to Baoding's motion  
27 (ECF No. 191). Having considered Baoding's moving papers, and the  
28 authorities provided therein, and the history of this litigation,

1 the Court hereby GRANTS Baoding's motion (ECF No. 191) to lift the  
2 stay and allow counterclaims.

3 Dated this 24<sup>th</sup> day of April, 2013.

4 

5 DENNIS J. HUBEL  
6 United States Magistrate Judge  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28